



*Commonwealth of Virginia*

***VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY***

NORTHERN REGIONAL OFFICE  
13901 Crown Court, Woodbridge, Virginia 22193  
(703)583-3800 FAX (804) 698-4178

[www.deq.virginia.gov](http://www.deq.virginia.gov)

Travis A. Voyles  
Acting Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus  
Director  
(804) 698-4020

Thomas A. Faha  
Regional Director

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY  
ENFORCEMENT ACTION - ORDER BY CONSENT  
ISSUED TO  
Prince William County  
FOR  
Prince William County Western District Police Station  
IR#307407**

**SECTION A: Purpose**

This is a Consent Order issued under the authority of Va. Code § 62.1-44.15, between the Department of Environmental Quality and Prince William County, regarding the Prince William County Western District Police Station, for the purpose of resolving certain violations of the State Water Control Law and the applicable permit and/or regulation.

**SECTION B: Definitions**

Unless the context clearly indicates otherwise, the terms in this Consent Order have the meanings assigned to them in Va. Code § 62.1-44.2 *et seq.*, the Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation at 9 VAC 25-31-10.

**SECTION C: Findings of Fact and Conclusions of Law**

1. "Prince William County" means Prince William County, a political subdivision of the Commonwealth of Virginia. Prince William County is a "person" within the meaning of Va. Code [§ 10.1-1300/§ 10.1-1400/§ 62.1-44.3].
2. Prince William County owns and operates the Prince William County Western District Police Station (Facility) located at 8900 Freedom Center Drive, Manassas, Virginia,

which is located in western Prince William County near Cannon Branch, a tributary of Broad Run, the Occoquan River and Occoquan Reservoir.

3. On December 7, 2022, DEQ Pollution Response (PReP) staff received a report from the Virginia Department of Emergency Management for a 1500-gallon discharge of diesel fuel from an emergency generator caused by a faulty transfer pump tank system. The discharge affected state surface waters, an unnamed tributary of Cannon Branch. The incident was assigned IR#307407.
4. The Facility checked the generator at 8:30am on December 7, 2022, and found the transfer pump float for the generator's belly tank had failed allowing the belly tank to overflow. The belly tank receives fuel from a 3000-gallon aboveground storage tank (AST). The Facility estimated that 1,500 gallons of diesel was spilled. The Facility notified the Prince William County Fire Department and their remediation contractor. The Fire Department responded and initiated spill mitigation and later departed the scene.
5. The remediation contractor returned to the site at approximately 4:00pm on December 7, 2022, and observed sheen/free product at a nearby storm water outfall and downstream in the unnamed tributary/pond of Cannon Branch. The Fire Department applied booms/absorbent products to the unnamed tributary. The remediation contractor performed further assessment and mitigation. The spill volume assessment was increased to 2,200 gallons, as the 3,000-gallon AST had been recently refilled and was observed to be empty when the incident was discovered.
6. On December 8, 2022, DEQ NRO PReP conducted a site investigation at 8900 Freedom Center Drive to assess the discharge of diesel fuel from the emergency generator to state lands, storm drains, and surface waters, and to discuss remediation plans with the remedial contractor. Staff observed where the spilled product possibly flowed subsurface near the generator and entered a storm water conveyance which outfalls into an unnamed tributary of Cannon Branch, and observed product/sheen in Cannon Branch, impacting approximately 1.3 miles of stream. The contractor deployed additional booms in the afternoon along Cannon Branch.
7. On December 9, 2022, DEQ PReP staff sent the Facility a Request for Corrective Action (RCA).
8. Va. Code § 62.1-44.34:18 Discharge of oil prohibited; liability for permitting discharge. "The discharge of oil into or upon state waters, lands, or storm drain systems within the Commonwealth is prohibited. For purposes of this section, discharges of oil into or upon state waters include discharges of oil that (i) violate applicable water quality standards or a permit or certificate of the Board or (ii) cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines".
9. On January 8, 2023, the Facility sent DEQ a response to the RCA, including details describing the events leading to the discharge, and the corrective action taken. The

Facility also indicated plans to install secondary safety controls for the tanks that would automatically shut pumps off.

10. On January 19, 2023, DEQ sent Notice of Violation No. W2022-12-N-001 for the discharge of diesel fuel. DEQ met with Facility on February 15, 2023, to discuss the NOV and their written response.
11. The Facility was issued Pollution Complaint Number 2023-3068 for the subsurface investigation.
12. Cannon Branch is a surface water located wholly within the Commonwealth and is a "state water" under State Water Control Law.
13. Based on the notification received by the DEQ on December 7, 2022, and DEQ staff observations at the site, correspondence from Prince William County, and the meeting with Prince William County, the Department concludes that Prince William County has violated Va. Code § 62.1-44.34:18, which prohibits the discharge of oil into or upon state waters, lands, or storm drain systems, as described in paragraphs C(2) through C(11), above.
14. In order for Prince William County to complete its return to compliance, DEQ staff and representatives of Prince William County have agreed to the payment of a civil charge as described in Section D.

#### **SECTION D: Agreement and Order**

Accordingly, by virtue of the authority granted it in Va. Code §§ 62.1-44.15, the Department orders Prince William County, and Prince William County agrees to:

1. Pay a civil charge of \$13,200 within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control  
Department of Environmental Quality  
Post Office Box 1104  
Richmond, Virginia 23218

Prince William County shall include its Federal Employer Identification Number (FEIN) #546001531 with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, Prince William County shall be liable for attorneys' fees of 30% of the amount outstanding.

**SECTION E: Administrative Provisions**

1. The Department may modify, rewrite, or amend this Order with the consent of Prince William County for good cause shown by Prince William County, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order and in NOV No. 2022-12-N-001 dated January 19, 2023. This Order shall not preclude the Department or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, Prince William County admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. Prince William County consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Prince William County declares it has received fair and due process under the Administrative Process Act and the State Water Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Department to modify, rewrite, amend, or enforce this Order.
6. Failure by Prince William County to comply with any of the terms of this Order shall constitute a violation of an order of the Department. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Department or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Prince William County shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. Prince William County shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Prince William County shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated

to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:

- a. the reasons for the delay or noncompliance;
  - b. the projected duration of any such delay or noncompliance;
  - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance;  
and
  - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.
9. Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.
10. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
11. This Order shall become effective upon execution by both the Director or his designee and Prince William County. Nevertheless, Prince William County agrees to be bound by any compliance date which precedes the effective date of this Order.
12. This Order shall continue in effect until:
- a. The Director or his designee terminates the Order after Prince William County has completed all of the requirements of the Order;
  - b. Prince William County petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
13. The Director or Department terminates the Order in his or its sole discretion upon 30 days' written notice to Prince William County. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Prince William County from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.
14. Any plans, reports, schedules or specifications attached hereto or submitted by Prince William County and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.

15. The undersigned representative of Prince William County certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind Prince William County to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Prince William County.
16. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.
17. By its signature below, Prince William County voluntarily agrees to the issuance of this Order.

And it is so ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Richard Doucette, Regional Director  
Department of Environmental Quality

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Prince William County voluntarily agrees to the issuance of this Order.

Date: 5/17/23 By: MVillarreal, \_\_\_\_\_  
\_\_\_\_\_  
Matthew F Villarreal (Person) \_\_\_\_\_ (Title) \_\_\_\_\_  
Prince William County  
Director of Facilities & Fleet Management

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